

**Remarks**

1. Claim Status

Claims 1-10 and 12-38 remain pending with claims 1, 16, 26, and 34 being independent.

2. Prior Art Rejections

a. Claim 3

Claim 3 recites a network interface that maintains a set of statistics metering operation of the network interface. In particular, claim 3 recites that "a timestamp", indicating a time at which the set of statistics were captured, is included with the set of statistics DMA-ed to host memory. Claim 3 stands rejected as obvious over Boucher (U.S. 6,434,620) in view of Waldbusser ("Introduction to the Remote Monitoring (RMON) family of MIB modules). In particular, the Final Office Action states that Boucher describes the recited timestamp. Attorney for Applicant disagrees. The portion of Boucher (col. 67, lines 13-26) discussing a "timestamp" refers to TCP's timestamp option (the "option" portion of a TCP segment header). As is known in the art, using the timestamp option helps determine round-trip time (RTT) estimations in TCP connections. Boucher does not describe that a timestamp indicating a time at

which the set of statistics were captured is included with the statistics. Attorney for Applicant, therefore, respectfully requests withdrawal of the reject of claim 3.

b. Claims 1, 16, 26, and 34

Claim 1 recites a network interface that initiates DMA (Direct Memory Access) transfer of statistics metering operation of the network interface. Claim 1 further recites that the circuitry initiates DMA transfer of the maintained set of statistics based on data specifying a time interval to perform the transfer. The Office Action rejected claim 1 as obvious in view of Boucher. Boucher describes a request/response system where statistics are transmitted in response to a UPR (Utility Processor Request) (col. 56, lines 18-33). That is, in response to a given UPR, the INIC of Boucher will transfer a set of statistics.

The Office Action suggests combining Waldbusser with Boucher. However, Applicant continues to disagree that such a combination would yield the subject matter recited by claim 1. Waldbusser describes a MIB (Management Information Base) that stores data in different objects and groups of objects including the tpmAggregateReportGroups group. The data stored in the tpmAggregateReportGroups can cover a time period for a specified interval. The data does not state when, if ever, the data is to be transferred, nor does the description of the tpmAggregateReportGroups describe the data as being automatically transferred. In other words, the description of the tpmAggregateReportGroups data and what it

represents does not remedy Boucher's lack of a teaching regarding a specified time interval to initiate a DMA transfer of statistics.

The Office Action also suggests combining the described "Offline Operation" of Waldbusser to produce the recited subject matter. Attorney for Applicant, however, disagrees with this on many grounds.

First, Attorney for Applicant agrees that during examination claim terms are "given their broadest reasonable interpretation consistent with the specification" (MPEP 2111). However, the Examiner's interpretation of "interval" seems both unreasonable and inconsistent with the specification. In particular, the specification states "the circuitry 126 may be configured to automatically transfer some or all statistic values 124 at particular intervals **or** [emphasis added] when particular values reach pre-configured thresholds". In other words, an interval is not the same thing as something that occurs at some indeterminate unspecified time even though such an event may occur. The "Offline Operation" of Waldbusser does not describe initiating a transfer based on a specified time interval, but instead describes a conditional event that may occur in the future. In short, Attorney for Applicant does not believe that one of skill in the art would interpret the recited "time interval" as proposed by the Examiner nor does Attorney for Applicant understand such an interpretation as being consistent with the specification.

Second, the suggested motivation for combining Boucher and Waldbusser is to allow "a program or user monitoring the interface to receive recent statistics without requiring that the user refresh the statistics report manually". The "Offline Operation" of Waldbusser, however, would not dependably provide a user with recent statistics, as the

"Offline Operation" portion of Waldbusser describes only notifying the management station when and if an exceptional condition occurs. In other words, the user would still be left to refresh the statistics report manually. Thus, the provided motivation would not motivate one of skill in the art to combine Boucher and Waldbusser's "Offline Operation".

For at least the reasons above, Attorney for Applicant requests withdrawal of the rejection of claim 1 and its corresponding dependent claims. Independent claims 16, 26, and 34 also recite a "time interval to perform a direct memory access transfer". For at least the reasons above, Applicant requests withdrawal of the rejections of claims 16, 26, and 34 and their corresponding dependent claims as well.

Respectfully submitted,

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